

ORDINANCE 11-xx

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENTS TO TEXT OF A PLANNED UNIT DEVELOPMENT, CUSTOM COMMERCE PARK BEING THAT OF ORDINANCE 03-29 AND TITLE 16 – LAND USE CONTROLS

WHEREAS, The City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance; and,

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a request (Docket 1101-PUD-03), filed with the Commission requesting an amendment to Ordinance 03-29, enacted by the Town Council on September 18, 2003;

WHEREAS, on _____, the Commission took action to forward Docket 1101-PUD-03 to the Westfield City Council with a _____ recommendation in accordance with Ind. Code § 36-7-4-608, as required by Ind. Code § 36-7-4-1505;

WHEREAS, on _____, the Secretary of the Commission certified the action of the Commission to the City Council; and,

WHEREAS, the Westfield City Council is subject to the provisions of the Ind. Code § 36-7-4-1507 and Ind. Code § 36-7-4-1512 concerning any action on this request.

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL
THAT ORDINANCE 03-29 AND TITLE 16 OF THE WESTFIELD CODE OF
ORDINANCES BE AMENDED AS FOLLOWS:**

SECTION 1. The document as referenced by Ordinance 03-29 described as “Custom Commerce Park PUD Ordinance” is hereby amended as follows:

- (i) The uses and standards established in what is attached hereto and incorporated herein by reference as Exhibit “A” are applicable to the real estate described in what is attached hereto and incorporated herein by reference as Exhibit “B”.

In all other respects, the Custom Commerce Park PUD Ordinance shall remain in effect and unchanged.

SECTION 2. This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered. To the extent that this ordinance conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this ordinance shall prevail.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

ALL OF WHICH IS ORDAINED THIS ____ DAY OF _____, 2011.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Thomas Smith

Thomas Smith

Thomas Smith

John Dippel

John Dippel

John Dippel

Steve Hoover

Steve Hoover

Steve Hoover

Bob Horkay

Bob Horkay

Bob Horkay

Ken Kingshill

Ken Kingshill

Ken Kingshill

Bob Smith

Bob Smith

Bob Smith

Rob Stokes

Rob Stokes

Rob Stokes

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 11-__ was delivered to the Mayor of Westfield
on the _____ day of _____, 2010, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ordinance 11-__ I hereby VETO Ordinance 11-__
this _____ day of _____, 2011. this _____ day of _____, 2011.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

ATTEST:

Cindy Gossard, Clerk Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Andrew Murray

Prepared by: Andrew Murray, Planner I, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170.

EXHIBIT A

Section 1. **Description of Real Estate:** See Exhibit “B” of Ordinance 11-xx

Section 2. **Permitted Uses:**

The following uses shall be permitted on the real estate described in Exhibit “B” of Ordinance 11-xx (the “Real Estate”):

- All uses that are highlighted as established by Section 4 of the Custom Commerce Park PUD, Ord. 03-29 (the “Original Ordinance”)
- Assembly Operations of Pre-Manufactured Parts, Components

Section 3. **Development Standards and Architectural Design Commitments:**

The following standards shall apply to the Real Estate. Unless modified herein, the provisions of the Original Ordinance shall be applicable. Where there is conflict, the following standards shall supersede the Original Ordinance.

A storage yard is defined as a yard for outside storage between the principal building and the side or rear lot line. Uses on the Real Estate shall be permitted to have storage yards. Storage yards shall comply with the following standards:

1. Storage yards shall be adjacent to the primary structure and shall be located entirely within the side or rear yards of lots.
2. All storage yards shall provide a solid, opaque wall or fence (the “screen”) to screen the view from any adjacent property or right-of-way.
3. A chain link fence or a variation of a chain link fence shall not constitute an acceptable screen.
4. Screens shall be softened by installing the following landscaping materials adjacent to such screens, except no landscaping shall be required where access/delivery doors or gates are present.
 - a. 1 ornament or evergreen tree every 30 feet
 - b. 5 shrubs every 30 feet
5. Materials stored behind any screen shall be stacked no higher than one (1) foot below the top of the screen. Equipment, vehicles, trailers and mobile machinery shall be stored at their lowest state.

6. (“Business Equipment”) or vehicles used to perform business activities on the Real Estate shall be stored within a structure or within a storage yard. Service vehicles used to perform business activities outside of the Real Estate shall not constitute Business Equipment.

7. Travel lanes providing access to loading docks and to storage yards must be hard surfaced with asphalt or poured concrete.

8. Dumpsters must be fully enclosed in accordance with Section 16.06 of the Westfield-Washington Zoning Ordinance if not located inside the storage yard.

EXHIBIT B – Legal Description

Parts of Lot 3 and Common Area “A” in the Custom Commerce Park Secondary Plat described as Instrument Number 2008014611 and recorded in the office of the Recorder of Hamilton County located in the Northwest Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian, Hamilton County, Indiana described as follows:

Beginning at the Northwest Corner of said Lot 3; thence South 89 degrees 54 minutes 16 seconds East 685.12 feet along the North Line of Lot 3 and Common Area “A” to the West Line of the 0.30-acre tract of land described within Instrument Number 2009046378 of said recorder’s office, the following seven (7) courses are along said West Line; 1) thence South 00 degrees 05 minutes 44 seconds West 6.76 feet to a curve to the left having a radius of 45.00 feet, the radius point which bears South 89 degrees 54 minutes 45 seconds East; 2) thence Southeasterly along said curve an arc distance of 67.07 feet to a point which bears South 04 degrees 41 minutes 30 seconds West from said radius point; 3) thence South 85 degrees 18 minutes 30 seconds East 63.21 feet to a non-tangent curve to the right having a radius of 235.00 feet, the radius point which bears South 04 degrees 35 minutes 45 seconds West; 4) thence Southeasterly along said curve an arc distance of 80.49 feet to a point which bears North 24 degrees 13 minutes 14 seconds East from said radius point; 5) thence South 66 degrees 05 minutes 38 seconds East 91.85 feet; 6) thence South 48 degrees 51 minutes 07 seconds East 50.96 feet; 7) thence South 35 degrees 23 minutes 12 seconds East 93.40 feet to the Southeast Line of said Common Area “A”; thence South 39 degrees 35 minutes 10 seconds West 265.76 feet along said Southeast Line to the East Line of said Lot 3; thence North 50 degrees 24 minutes 48 seconds West 44.31 feet along said East Line; thence North 89 degrees 54 minutes 18 seconds West 842.76 feet to the West Line of said Lot 3; thence North 00 degrees 24 minutes 18 seconds East 400.00 feet along said West Line to the Point of Beginning , containing 8.557 acres, more or less.